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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

PART 17 – MUNICIPAL EMERGENCY MANAGEMENT AGENCY RECORDS (LG17)

17.1 Purpose, Authority, Severability, and Destruction

17.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

17.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

17.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

17.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

LG17.1 Plans and Reports

LG17.1.1 Plans

Plans are maintained by the agency and relate to the core mission of the agency (mitigation, preparedness, response, and recovery). Plans document policies, procedures, critical infrastructure, and continuity of operations etc. Plans evolve and are updated as necessary.

LG17.1.1A Local Strategic Plans (PLS)

Includes assessment of critical infrastructure.

Retention: Permanent. Retain one record copy signed or issued by department or division head.

LG17.1.1B Procedural Plans (PLP)

Includes procedural SOP (standard operating procedures) and procedural overview done as a requirement of the Local Concept Plan (PLC) for the Emergency Operations Plan. May include infrastructure including communications, volunteers, mass casualty and dam profiles. Field operating guides (FOGs), Weather SOP's including shelters, special events and contingency plans.

Retention: Retain until updated, then review for historical or long-term reference value.

LG17.1.1C Local Concept Plans (PLC)

Includes emergency operations (EOP), continuity of operations (COOP), continuity of government (COG), hazard identification and risk assessment (HIRA), gap analysis, mitigation plans, training plans and metropolitan medical response plan (MMRS).

Retention: Retain until updated or superseded but no less than three (3) years.

LG17.1.1D Local Operations Plan (PLO) and Emergency Support Functions (ESF)

Includes damage assessment, debris management, resource management, hazardous materials (HAZMAT), marine and railroad emergency and medical emergency,

emergency action plans (EAPs) for specific infrastructure and agencies within the municipality.

Retention: Retain until updated or superseded but no less than three (3) years.

LG17.1.1E State and Federal Plans

Copies of plans created by the federal emergency management agency (Homeland Security/FEMA) and state emergency management agency (RIEMA) including the state emergency operations plan.

Retention: Retain until of no further administrative value.

LG17.1.2 SARA Title III Tier II Inventory Reports

Annual filings of hazardous chemical inventory reports made by local employers to the Rhode Island Department of Labor per R.I. Gen. Laws Chapter 28-21 with copies filed with the Rhode Island State Emergency Response Commission, municipal fire departments and local emergency management officials. May include attached business plans with locus maps, building plans, emergency response action plans, integrated contingency plans and safety data sheets.

Note: The Rhode Island Department of Labor retain Tier II inventory reports and data thirty (30) years.

See Also: LG9.3 (Hazardous Materials).

LG17.1.2A SARA Title III Tier II Inventory Reports

Retention: Retain three (3) years.

LG17.1.2B Business Plans Filed with the Agency

Retention: Retain current plan as long as the employer does business in the municipality, plus seven (7) years.

LG17.1.2C All Other Records

Retention: Retain as long as the employer does business in the municipality, plus seven (7) years.

LG17.1.3 After Action Reports

Reports of actions taken in conjunction with training/drills and real events that may include but is not limited to a synopsis of the event or training, an overview of the operation, incident analysis, lessons learned, summary of damaged, lost or contaminated equipment and supplies, call for service reports and logs (call-in incidents with locations) and improvement reports. After action reports are required for reimbursements through grant-funded projects or federal assistance.

Retention: Retain reports relative to training and drills until of no further administrative value but no less than three (3) years. Retain reports for real events and declared states of emergency permanently.

Note: Some records may be duplicated in grant files as required by the terms of the grant.

See Also: For retention of grant records, see LG17.4.5 (Grant Files) and LG17.4.6 (Sub-Recipient Grant Records).

LG17.1.4 Maps and Plans

Maps and plans received, created, and maintained by the agency in conjunction with activities relating to mitigation, preparedness, response and recovery.

LG17.1.4A Maps Created by the Agency

Retention: Retain until of no further administrative value but no less than three (3) years then review for historical or long-term reference value.

LG17.1.4B Copies of Maps Created by Federal, State, and Other Municipal Agencies

Retention: Retain until updated, superseded or until of no further administrative value.

LG17.2 Training Records and Exercises

LG17.2.1 Training Records and Exercises

Emergency management staff participates in and conducts and/or sponsors training activities for various constituencies. Purposes of training activities may include staff continuing education and certifications, mutual aid, federal mandates, training as specified from federal grants and or programs relating to mitigation, preparedness, response, and recovery. Records of training activities may include but

are not limited to training manuals, press releases, curriculum/training descriptions, and testing materials, names of attendees, schedules, syllabi, agendas and documentation, sign-in sheets, and names and qualifications of trainers.

Note: Some records may be duplicated in grant files as required by the terms of the grant.

See Also: For retention of grant records, see LG17.4.5 (Grant Files) and LG17.4.6 (Sub-Recipient Grant Records).

LG17.2.1A Training Manuals, Curriculum/Syllabi, and Testing Materials

Retention: Retain until of no further administrative value but no less than (3) years.

LG17.2.1B Staff Certifications

Retention: Retain until updated, superseded, recertification or separation.

Note: Summary information or copies may reside in personnel folder.

LG17.2.1C Course Evaluations Relating to LG17.2.1A

Retention: Retain until data is compiled and report is complete but no less than one (1) year.

See Also: GRS5.4 (Surveys/Questionnaires).

LG17.2.1D Professional Organization Conference Records [SUPERSEDED]

See Also: For associated retention, see GRS5.12 (Professional Organization Membership Files).

LG17.2.1E Press Release and Related Records [SUPERSEDED]

See Also: For associated retention, see GRS5.7 (Public Relations Records).

LG17.2.1F All Other Records

Retention: Retain three (3) years.

LG17.3 Facilities and Equipment

LG17.3.1 Testing Records

Records and logs that document periodic (monthly, quarterly) testing of equipment and systems such as notification, communication and warning systems (e.g. Reverse 911, Red Cross Emergency Notification System, Port Siren System, Chemical Detection Systems, Emergency Alert Systems, NOAA Weather, Emergency Management State Radio System, Rhode Island Broadcaster Association, Amber Alert), communications equipment (radios, phones, teleconference systems), mobile command systems, generators, social media accounts and Special Needs Registry Records may include but are not limited to: testing logs, vendor records (copies of invoices and purchase orders, vendor inspection reports), correspondence or email regarding system maintenance, repairs and failures, tests schedules and/or calendars.

Retention: Retain three (3) years.

LG17.3.2 Vehicle and Equipment Records

Records relating to vehicles or equipment owned and/or serviced by the agency. May include title, registration, inspection, maintenance and repair records, checklists, operation manuals and incident/accident reports. May include checklists, fuel consumed, meter readings, mileage logs and sign-out sheets.

See Also: GRS4.6 (Vehicle Records).

LG17.3.2A Inspection Sheets, Checklists, Meter Readings, Mileage Logs and Sign-Out Sheets

Retention: Retain three (3) years.

LG17.3.2B All Other Records

Retention: Retain one (1) year after disposal of vehicle and completion of municipal audit.

LG17.3.3 Equipment Inventory/Supply Records

Records, which document current supply/stock or provisions, stored as needed for various operations. Supplies for mobile command/emergency operations centers, storage containers, disaster recovery kits, and water trailers are periodically checked for supply levels and replenished as needed. Supplies may include, but are not limited to include, protective gear, potable water, first aid, communications and computer equipment,

video and lighting equipment, and tools. Records may include, but are not limited to, inventory sheets and copies of purchasing records.

Retention: Retain three (3) years.

See Also: LG2.8.8 (Fixed Asset Records).

LG17.4 Administration

LG17.4.1 Accreditation Records

The emergency management agency may become accredited under the Emergency Management Accreditation Program (EMAP). This program is a voluntary assessment and accreditation process for emergency management programs. Records generated for the accreditation process serve to assist the agency in the strategic planning and improvement of the agency's goals and focus it to its core mission. Records may include but are not limited to the accreditation application, advisory committee documentation, correspondence, assessment records and decisions.

Retention: Retain until next re-accreditation or five (5) years whichever is longer.

Note: Some records such as plans, policies and procedures may be duplicates of records in grant files created as required by the terms of the grants or in other series enumerated in this and other applicable schedules.

LG17.4.2 Contracts and Agreements

Records of contracts or agreements relating to mutual aid, data and resource sharing, service agreements and memoranda of understanding.

Retention: Retain ten (10) years after expiration of contract or agreement.

See Also: LG2.4.3 (Contracts) and GRS7.11 (Data/Resource Sharing Agreements).

LG17.4.3 Laws and Executive Orders

Copies of records that establish the legal authority of the agency and its programs. May include copies of public laws, regulations, council ordinances and executive orders.

Retention: Retain until of no further administrative value (GRS5.11 (Reference Material)) or as needed for accreditation purposes.

Note: Original or record copies of ordinances issued by a municipal council, public laws passed by the general assembly, executive orders by the governor or mayor are retained as permanent records. Regulations promulgated by state agencies are maintained as permanent records by the agency, office or governing body that created the record. Filed copies of state regulations are also maintained by the Archives Division, Office of Administrative Records.

LG17.4.4 Directives and Orders/Policies

Official statements of policy, operating procedure, and standards. May include general or special orders.

Retention: Permanent – one record copy signed or issued by department or division head.

LG17.4.5 Grant Files

Records relating to the agency's development of grant proposals to state or federal agencies or other funding sources, as well as records related to the administration of its own grant programs or programs administered by the agency. Records may include, but are not limited to, grant applications and agreements, studies, notices, technical specification, drawings, plans, bid and contract records, accounting, banking, purchasing, and payroll records, bonds, monitoring and performance reports, expenditure and outlay reports, memoranda, and correspondence.

Note: If any litigation, claim, negotiation, audit or other action has been started before the expiration of the ten (10) year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the ten (10) year period, whichever is later. Any records related to a contract or liability under seal, or any judgement or decree by a federal or state court, should be retained for twenty (20) years. (R.I. Gen. Laws § 9-1-17)

LG17.4.5A Grant Applications and Amendments, Final Performance, Disposition, and Expenditure Reports

Retention: Permanent.

LG17.4.5B Financial and Programmatic Records, Periodic Performance Reports, Supporting Documents, Statistical Records, Other Required and Pertinent Records

Retention: Retain ten (10) years from submission of closeout and final expenditure report or submission of annual financial status report for grants renewed annually.

LG17.4.5C Real Property and Equipment Records

Retention: Retain ten (10) years from the date of disposition, replacement, or transfer of property/equipment.

LG17.4.5D Income Transaction Records (Earning of Income) After Grant Support (Where Required by the Terms of the Grant)

Retention: Retain ten (10) years from the end of fiscal year in which the income is earned.

LG17.4.5E Unsuccessful Grant Applications

Retention: Retain ten (10) years.

LG17.4.6 Sub-Recipient Grant Records

Local emergency management agencies receive sub-grant funding as sub-recipients through the state's emergency management agency, RIEMA. Types of federal grants, received and managed through RIEMA, may include, but are not limited to, Public Assistance Grants, Hazard Mitigation Assistance Grants, Emergency Management Preparation Grants, and the State Homeland Security Grant program. Records created by the local EMA include, but are not limited to, reports, plans and forms as required by RIEMA or any other state agency where the local EMA is a sub-recipient as well as purchasing records (invoices, purchase orders, packing slips) and payroll records.

Retention: Retain for ten (10) years after the end of the sub-grant period (closeout date), or ten (10) years after audit (if applicable to OMB A-133 audit requirements) or ten (10) years after the completion of the municipal audit, whichever is later.

Note: If any litigation, claim, negotiation, or other action involving the records has been started before the

expiration of the ten (10) year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the ten (10) year period, whichever is later.

See Also: For the retention of grant applications and amendments, final performance, disposition, and expenditure reports that is not a sub-grant, see LG17.4.5 (Grant Files).

LG17.4.7 Independent Auditor's Reports

Audits performed in compliance with OMB Circular A-133 or as specified by the terms of the grant.

Retention: Retain ten (10) years.

See Also: For the retention of the municipal audit, see LG2.1.9 (Audit Records and Financial Reports).

LG17.4.8 Reports

Internally generated reports not covered in other record series, including reports and returns to municipal departments and state and federal agencies. Includes reports created by outside entities or consultants for the agency.

LG17.4.8A Daily and Weekly Reports

Retention: Retain one (1) year.

Note: Retain audits required in audit process one (1) year after audit is completed.

LG17.4.8B Monthly, Quarterly, and Periodic Reports

Retention: Retain three (3) years.

LG17.4.8C Annual and Special Reports and Studies

Retention: Permanent.

Note: Official or record copy of annual reports generated by department of municipal governments should be held by the agency that created the report.

LG17.4.9 Minutes

Record of meetings, including minutes, agendas, and calendars of the municipal Emergency Management Advisory Council.

Retention: Retain official record permanently. Retain copies until of no further administrative value.

LG17.4.10 Reference Library

State or federal reports and guides, national standards, workbooks, and other planning materials not created by or for the municipal agency.

Retention: Retain until updated, superseded or of no further administrative value.

See Also: GRS5.11 (Reference Materials).

LG17.4.11 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).